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A Pivotal Moment for the US Refugee Resettlement Program

by Keith Welch



ABOUT

This research brief is an overview of the US Refugee Resettlement program authored by Keith Welch of the Haas Institute for a Fair and Inclusive Society at the University of California, Berkeley.

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The US is a key player in the international refugee system but serious threats to the US refugee resettlement program could undermine its commitment and, in turn, put the international system at risk.

Introduction

NEARLY ONE OUT OF EVERY 100 people in the world is currently displaced from their homes. This proportion is higher than at any point since the United Nations High Commissioner for Refugees began collecting data on displaced persons in 1951.¹

Only a small number of the millions of forcibly displaced people worldwide are resettled each year (see Figure 1). Although the international community has developed a system for protecting and supporting the displaced, providing them with truly durable solutions, such as resettlement, depends on commitments from many countries.

Inadequate efforts from the international community cause immense harm to forcibly displaced people.

commitment to refugee protection during a pivotal juncture for international refugee protection. Our analysis reaffirms that the US can and should play a stronger and more inclusive role in protecting and welcoming refugees.

This report comes at a pivotal moment for the US refugee resettlement program, which has been resilient in the face of recent unprecedented attempts to undermine it. In April 2017, a federal appeals court declined to reinstate the Trump Administration's second executive order that sought to restrict the program. This ruling continues the trend of federal judges thwarting the administration's refugee resettlement executive orders. In a separate decision, the State Department lifted a weekly quota on the

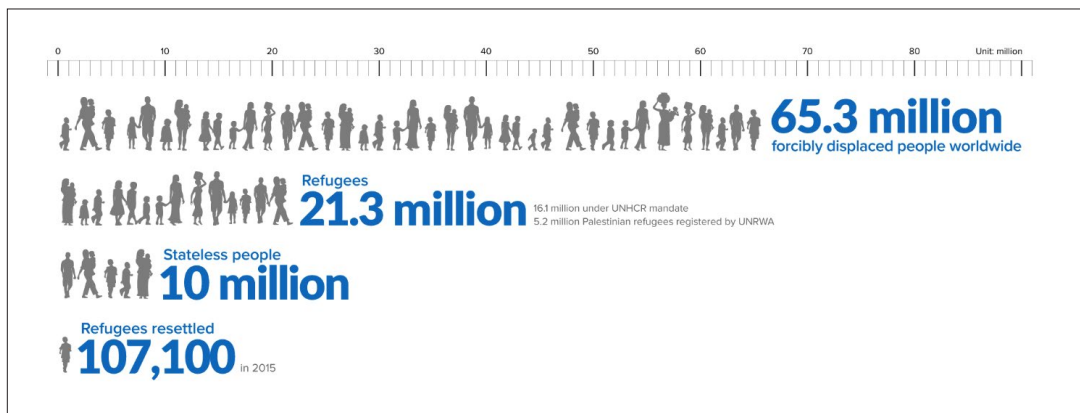


FIGURE 1

Total displaced people, refugees, stateless people, and refugees resettled in 2015²

Refugees have fled their homes because of persecution based on their group identity, and yet they far too frequently then become targets of nativism, racism, and xenophobia when they arrive in their new place of residence. These experiences of being displaced and treated as "Other" cause persistent marginality and inequality for people who have been forcefully displaced from their homes.

This report provides a brief overview of how the US refugee resettlement program fits within the international refugee protection system; analyzes the tensions facing the US resettlement program and the implications of the US restricting its resettlement program; and, discusses how the US can reaffirm its

number of refugees allowed to enter the country, which refugee groups predict will result in a doubling of refugees expected to enter the country this fiscal year. These promising developments suggest that the US may be able to maintain its commitment to protecting refugees in the face of increasing threats to the refugee resettlement program.

This report is part of a broader research effort the Haas Institute is conducting on migration and refugees, and will be followed by a forthcoming Haas Institute report on global migration, *Moving Targets: Forced Migration in the Twenty-First Century*.

Overview: International Refugee Protection System

THE FIRST MAJOR STEP towards establishing a refugee protection framework was in 1921 when the League of Nations, under pressure from major humanitarian organizations such as the International Committee of the Red Cross, appointed the first **High Commissioner for Refugees**.³

This agency at first only administered temporary aid for Russian refugees. One reason for the singular focus on Russian refugees was the fact that the Soviet Union was not a member of the League of Nations and League members were hesitant to offer aid to people fleeing their allies. These political dynamics were also a major disincentive for League members to develop a universal definition of the term "refugee" because they were afraid of forcing themselves to offer protection to refugees living within League member countries.⁴

In addition to its limited scope, the High Commissioner for Refugees faced other shortcomings that limited the effectiveness of the protection it offered. For instance, the majority of League members did not support the High Commissioner financially or politically, and the members that did offer support required that League funds only be spent only on administrative expenses and not on direct relief.

Despite these limitations, the appointment of the High Commissioner signified the first formal acknowledgment by the international community of the international responsibility to protect refugees.⁵ This acknowledgment also coincided with the development of legal norms regarding the protection of refugees and the establishment of refugees as a special category within international law.⁶

After WWII, and in part in response to the shortcomings of the High Commissioner, the United States helped lead the creation of the **International Refugee Organization (IRO)**, with the stated goal of resettling WWII refugees and displaced persons. This focus on resettlement was unique because the High Commissioner had originally sought to ultimately send refugees back to their country of origin (a

process called **repatriation**).⁷ During the negotiation process leading up to the establishment of the IRO, member countries disagreed on whether to focus on resettling refugees or repatriating them. Whereas the Western bloc insisted that the IRO resettle refugees, the Soviet Union opposed resettlement. Ultimately the IRO decided to offer resettlement in the host country to individuals with "valid objections" to repatriation based on fear of persecution because of race, religion, nationality, or political opinion. This broader definition represented a significant change in the international community's approach to refugee protection because previous frameworks had only assisted specific nationalities of refugees, such as Russians or Germans.⁸ The IRO also marked a significant step towards more widespread refugee resettlement.

In response to a recognized need for a more comprehensive and systematic approach to refugee protection, the United Nations held a special conference on refugees in July 1951. There, the United Nations General Assembly approved the **1951 Refugee Convention**, which replaced the IRO with the **United Nations High Commissioner for Refugees (UNHCR)**.⁹

The Refugee Convention, and the Protocol that followed it in 1967, established the current framework that continues to define the legal status of refugees and establishes standards for their treatment. The Convention and its Protocol define a refugee as a person who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country."

All signatories of the Convention and Protocol agree to provide refugees residing within a given country, at a minimum, the same standard of treatment as foreign nationals living in that country.¹⁰ Additionally, article 33 of the Convention institutionalizes a norm of international refugee law that had been generally accepted before 1951—respect for the *principle of non-refoulement*. The *principle of non-refoulement* pro-

hibits signatories from returning a refugee to a territory where “his/her life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion.”¹¹

It is important to note that only 142 countries have ratified both the 1951 Refugee Convention and its 1967 Protocol.¹² Many of the countries that have not acceded to either document do not have national policies in place to provide support for refugees. In Malaysia, for example—a country that has not ratified either the Convention or its Protocol—the UNHCR makes up for the country’s lack of national refugee policies by conducting refugee reception, registration, documentation, and status determination of asylum-seekers and refugees. Thus, the Convention and Protocol provide a strong impetus for signatories to adopt a national system for fulfilling the principles outlined in both documents.

And although signatories agree to follow the elements of the Convention and its Protocol for individuals seeking asylum in their country, they do not have an obligation to accept refugees for resettlement.^{13,14} In order for a country to accept resettled refugees it must have a system for receiving and supporting these individuals and often must collaborate with a wide variety of government agencies, international organizations, and domestic non-governmental organizations. As of 2012, only 26 countries accept resettled refugees.^{15,16}

Throughout history, the international community has cooperated to resettle large numbers of refugees displaced by major crises. One notable example of this type of cooperation was the response to the Indochinese refugee crises in the late 1970s and early 1980s. Following the US war in Vietnam and the 1975 communist victories in the former French colonies of Indochina (Vietnam, Cambodia, and Laos), hundreds of thousands of individuals sought refuge.¹⁷ In response, more than 20 countries, led by the US, Australia, France and Canada, cooperated to resettle 623,800 refugees between 1979 and 1982.¹⁸ This effort represented a nearly 200% increase in the international monthly resettlement that had been occurring previously.¹⁹ This response to the Indochina refugee crisis demonstrates the power of a multi-country cooperative approach to resettlement, although it’s worth noting that the US played a major role in creating the refugee conflict in the first place.

The international system for protecting refugees originated, in part, from a collective recognition that people fleeing persecution and violence deserve protection, but concern for the safety of displaced persons was not the sole factor—geopolitical strategy played an important role in motivating countries to develop a refugee protection system. And through-

The UN Refugee Convention defines a refugee as a person who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his [her] nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.”

out, including up to today, the definition of who has a “right” to receive protection continues to evolve in large part based on social and political currents. (See the Haas Institute’s forthcoming report *Moving Targets* for more on this historical analysis.)

Although the motivations for expanding the international refugee protection system have been complicated, the resulting international response has become increasingly structured and multilateral. This process led to the development of the UNHCR, which currently oversees and coordinates the international response.

It has become clear throughout history that the refugee protection regime is at its strongest when many countries make major contributions. The US has historically played a major role in setting an example for other states, which has helped facilitate the development of the current framework. In order for this international framework to effectively respond to current and future crises, the US will need to continue to provide strong support.

The US Refugee Resettlement Program

THE US COMMITMENT TO REFUGEE resettlement began after WWII when the United States admitted 250,000 refugees from Europe. Although initially resistant, the US eventually decided to accept these individuals to ease geopolitical and humanitarian concerns. Currently, the US is a global leader in refugee resettlement; of the 105,200 refugees who were resettled globally in 2014, the US resettled 73,000 of them.²⁰

Since 1980, however, the US has become less responsive to international refugee crises. Institutionally within the US, the resettlement program has undergone major changes, resulting in a complex and multi-layered set of processes that involve numerous federal and state agencies and nonprofit organizations.

History of US Refugee Resettlement Efforts

The first legislation in the US related to refugee resettlement was the **1948 Displaced Persons Act**, which Congress passed following the admission of 250,000 Europeans after World War II. The Displaced Persons Act allowed for the resettlement of an additional 400,000 more refugees.²¹

This legislation followed many years of resistance to refugee resettlement in the US. In 1939, for example, a bill allowing 20,000 German Jewish children to enter the US failed in Congress.²² Also in 1939, President Franklin D. Roosevelt refused to admit Jewish refugees aboard a ship fleeing Europe.²³

After WWII, however, two forces were decisive in the decision by the US to accept refugees. First, lawmakers were concerned about the possibility that 20–30 million displaced people in Europe could cause major geopolitical instability. Second, lawmakers recognized the strategic value of providing humanitarian relief to refugees from Communist countries.²⁴

Thereafter, the US used an ad-hoc approach to refugee resettlement and sought to admit people fleeing communist regimes (mainly Hungary, Yugoslavia, Korea, China and Cuba).²⁵ These ad-hoc programs relied

on the US Attorney General's "parole" authority to allow the entry of people into the country for urgent humanitarian reasons.²⁶ In many cases, the Attorney General only granted these "parolees" temporary residence status, and the government later granted them permanent status.²⁷ Two of the largest groups of parolees were Cuban asylum seekers in the 1960s and 1970s and Southeast Asians following the fall of Saigon in 1975. In both cases the United States admitted hundreds of thousands of refugees to the country.²⁸

In 1968, the US was one of the signatories of the UN Refugee Convention, although that did not significantly alter US policy. In 1980, after 30 years of an ad hoc approach to resettlement, Congress enacted the **Refugee Act of 1980**, which established a more systematic framework that serves as the basis of the current US refugee resettlement program.

The 1980 Refugee Act, which amended the Immigration and Nationality Act, established a process for resettling refugees with consistent federal funding. The Act served two purposes: 1) to provide a uniform procedure for refugee admissions and 2) to authorize federal assistance to resettle refugees and promote their self-sufficiency.²⁹ Since its enactment, the Act has facilitated the development of a comprehensive and complex system for refugee resettlement.

In the first year of the Refugee Act, the US admitted 207,000 refugees, a number that has not been exceeded since—the US resettles far fewer refugees today than it did in 1980 and the early 1990s (see Figure 2). The spike in admissions in 1980 was primarily due to Indochinese refugees fleeing after the Vietnam War and the 1975 communist victories in Vietnam, Cambodia, and Laos,³⁰ while the increase in the early 1990s was due primarily to refugees fleeing the Balkan wars and other regional conflicts.³¹

Since these spikes, the US has not responded to refugee crises, such as the crisis caused by the civil war in Syria, with similarly major increases in refugee admissions.

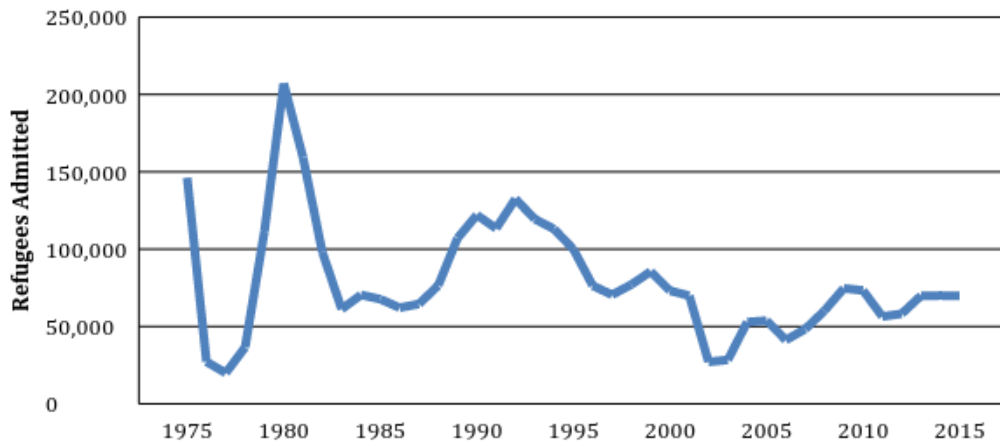


FIGURE 2

Historical US Refugee Admissions³²

Source: FCC form 477, June 2016 (most recent data)

Structure of the Modern US Resettlement Program

Each year the US President initiates the resettlement process by consulting with Congress to set an annual ceiling on the number of refugees the US will accept.³³ In fiscal year 2016 the ceiling was 85,000, with plans by the Obama Administration to increase the ceiling to 110,000 in 2017.

The number of refugees that the US government resettles is frequently below the ceiling. This discrepancy was particularly wide following the terrorist attacks of 9/11 in 2001. In 2002 the ceiling was 70,000 but only 27,131 refugees entered the country;³⁴ in 2012, the ceiling was 76,000, but only 56,424 refugees were admitted.

The reasons for these discrepancies are complex and contextual to the time period. It could be due to a lack of cooperation in the refugees' country of first asylum, ongoing political complications, or the fact that the US began accepting refugees from a wider range of countries, whereas it has previously admitted them from a smaller set of countries.³⁵ According to Kathleen Newland, an immigration and refugee policy expert, two factors led to the discrepancy after 9/11.³⁶ First, the Bush Administration suspended the refugee resettlement program for two months. Second, the administration put new security protocols in place, reducing the number of refugees who made it through the security screening process.

After the President annually sets the admissions ceiling, the next step in the process is the overseas processing of refugees, which the State Department and the **United States Citizenship and Immigration Services (USCIS)** work together to manage.³⁷ Once

USCIS approves a refugee for resettlement, the State Department's **Bureau for Population, Refugees, and Migration (PRM)** coordinates the process of placing the individual (and his or her family) in a specific city.

PRM works closely with nine voluntary agencies that have cooperative agreements with the State Department to resettle refugees.³⁸ Before a refugee arrives in the US, representatives of these voluntary agencies meet to decide where to place the individual. The Refugee Act of 1980 also requires the federal government to consult with states and local jurisdictions to coordinate the placement of refugees throughout the country.³⁹ They will first attempt to place the refugee in the same city as any of his or her relatives. If the individual does not have any relatives in the country, then the agencies attempt to find a city that has the necessary resources to meet the refugee's needs (such as ethnic communities, employment opportunities, affordable housing, and educational and health services). The Refugee Act also requests that the agencies ensure the individual is not placed in an area that is already highly impacted by the presence of refugees.

After the refugee arrives in the US, his or her voluntary agency receives a Reception and Placement grant directly from PRM to fund the initial three months of resettlement.⁴⁰ Thereafter, the Department of Health and Human Services' Office of Refugee Resettlement (ORR) works through the states and nongovernmental organizations to provide long-term assistance. Each state voluntarily opts in to the refugee resettlement program by appointing a state refugee coordinator and submitting a plan outlining how it will allocate public and private resources to

support refugees.⁴¹ These states decide between three options for administering the ORR funds: 1) public administration, 2) contracts with nonprofit organizations, or 3) a public private partnership.

The administrator of the federal funds (states or nonprofit organizations) receives the ORR funds in the form of quarterly grants. ORR determines the amount of funds to allocate to states based on the number of refugees that are resettled in each state.⁴² ORR gives three main categories of grants: 1) cash and medical assistance, 2) social services, and 3) discretionary grants. The Refugee Act expects the administrator to play a coordinating role in the provision of these services and assistance.⁴³ In the case of social services grants, the administrator coordinates the reimbursement of local resettlement agencies for the services they provide (such as interpretation and translation, job training and English language instruction). With regard to cash and medical assistance grants, states generally model the disbursement of funds after their Temporary Assistance for Needy Families (TANF) programs.⁴⁴

The majority of states (32) administer the funds directly through state-run offices. Twelve states, however, participate in the alternative Wilson-Fish program, in which they contract with nonprofit organizations.⁴⁵ A central goal of this alternative program is to increase the number of states with an ORR-funded resettlement program by allowing nonprofit organizations to administer the funds.⁴⁶ Another option for states is to use public private partnerships to administer the funds. This program, which five states currently participate in, allows states the flexibility to offer additional cash assistance to refugees.⁴⁷ Wyoming is the only state that does not participate at all in the refugee resettlement program.⁴⁸

If a state wishes to withdraw from the refugee program it must provide 120 days advance notice to the ORR Director of Refugee Resettlement.⁴⁹ It is not entirely clear in the Act whether a state must withdraw through legislation or executive action. A state may decide to retain responsibility for certain aspects of the program or to withdraw entirely.⁵⁰ When a state withdraws entirely or from part of the program it may choose to have a replacement agency or agencies administer the federal funds through a public private partnership or the Wilson-Fish program.⁵¹ States that have decided to have a replacement agency administer the program may also decide to re-establish state coordination. For example, a bill was recently introduced in South Dakota to change the administration of the resettlement program from the current Wilson-Fish program to state administration.⁵²

The 1980 Refugee Act put into place a complex, multi-stakeholder system for screening, receiving, and

supporting resettled refugees. This process is a collaborative effort between states, international organizations, and the federal government.

Tensions Facing the US Refugee Resettlement Program

Since its enactment in 1980, the modern US refugee resettlement system has faced numerous tensions. The amount of federal funding devoted to the program has declined at the same time that the refugees entering the country have come from a wider range of countries and in need of more intensive support. Recent attempts at the state and federal level to restrict the US refugee resettlement program worsen these tensions, threatening to undermine the US commitment to refugee protection.

Program Changes since the 1980 Refugee Act

Since the early 1980s the financial responsibility for supporting refugees has gradually shifted from the federal government to state governments and resettlement agencies. For example, in the original Act, states received grants for cash and medical assistance for each refugee's first three years of residence in their state.⁵³ However, Congress decreased that support to 18 months in 1982 and further reduced it to eight months in 1991.⁵⁴ Moreover, in 1990, the refugee program eliminated the time frame during which the federal government would cover the state share of Aid to Families with Dependent Children, Medicaid, and SSI.⁵⁵ Thus, the federal government currently does not supplement states' budgetary share of programs that support refugees but are not directly part of the refugee program, such as SNAP or TANF. These cuts have had significant budgetary implications for states and resettlement agencies. A 2008 analysis by a national voluntary agency, for example, found that federal contributions amount to 39 percent of the total cost of supporting a newly resettled refugee during his or her first 90 days in the country.⁵⁶ Resettlement agencies cover the remainder of the expense through in-kind donations, volunteer hours, and direct contributions.

Another significant change since the enactment of the 1980 Refugee Act has been the increasing diversity of the US refugee population. Over time, the resettlement program has shifted the groups it targets for resettlement from large-scale populations of special interest to the US (such as refugees fleeing communism) to smaller numbers of people from a wider set of countries.⁵⁷ The US now resettles a large number of highly vulnerable refugees, who often have significant mental health challenges and extremely limited language ability. Because of ORR's goal to promote self-sufficiency among refugees within as

short of a time as possible, this increased diversity has created tensions within the program.⁵⁸ The populations of refugees arriving in the country face unique challenges that require adequate support to ease their transition

The commitment to refugee resettlement in the US has declined since its high point in the 1980s. Since then, the federal government has shifted much of the responsibility for financing resettlement to states and nonprofit agencies. Recent rhetoric, lawsuits, and policy proposals threaten to accelerate an already wavering commitment to refugee protection.

Trump Administration Executive Orders

On January 27, 2017, Donald Trump signed an executive order that suspended refugee resettlement for 120 days, banned the arrival of Syrian refugees, and reduced, from 110,000 to 50,000, the overall number of refugees the US would admit to the country. The order also banned travelers from Syria, Iraq, Somalia, Yemen, Iran, Sudan and Libya from entering the US for 90 days from the date of the order. Initially, the ban also included legal permanent residents and visa holders, an interpretation that led to the illegal detention of families, students, and former interpreters for the US military.

Legal scholars criticized the “astonishing incompetence of its drafting and construction,” which opened up the Trump Administration to numerous legal challenges.⁵⁹ In response, more than 50 lawsuits were filed by religious groups, state attorneys general, residents, and visitors to the country.⁶⁰

On February 9, 2017 the US Circuit Court of Appeals affirmed an earlier ruling from a federal judge in Washington State temporarily halting the executive order.⁶¹ The three-judge panel based their ruling partially on statements made by Donald Trump on the campaign trail about his plan to implement a “Muslim ban.”

In response to these legal challenges, President Trump signed a new version of the initial executive order on March 6, 2017. This new order revokes the original order and makes various minor adjustments, including the removal of Iraq from the list of designated travel ban countries and allowing legal permanent residents from the designated countries to enter the US.⁶²

Despite the changes, federal judges in Hawaii and Maryland blocked the executive order before it could be implemented.⁶³ On March 29, 2017, Hawaii Judge Derrick Watson extended the block on the executive order.⁶⁴ This preliminary injunction blocks the travel ban on individuals from the six countries listed in the order, does not allow the administration to put

Recent rhetoric, lawsuits, and policy proposals threaten to accelerate an already wavering commitment to refugee protection in the United States.

the resettlement program on hold for 120 days, and maintains the refugee admissions ceiling at 110,000 persons.

On May 25, 2017, the US Court of Appeals for the Fourth Circuit rejected the federal government’s appeal of the lower court’s ruling, saying that the revised executive order, “speaks with vague words of national security, but in context drips with religious intolerance, animus and discrimination.” Attorney General Jeff Sessions vowed to appeal this decision to the Supreme Court.

On the same day as the Fourth Circuit’s ruling, the State Department issued a separate decision to lift a weekly quota on the number of refugees allowed to enter the country. This weekly quota was largely a result of budget constraints imposed by Congress last Fall. Importantly, this decision does not affect the refugee admissions ceiling, which remains at 110,000. However, it will likely have a significant affect on the number of refugees who actually enter the US—refugee groups have predicted that it will result in a doubling of the number of refugees allowed to enter the country in the current fiscal year.

This promising development, along with the court rulings blocking the Trump Administration’s executive orders, suggest that various US institutions and entities will continue to advocate for and assert that the country maintain its commitment to refugee resettlement, even in the face of threats to undermine it.

Attempts by US Governors to Limit Resettlement

The executive orders from the Trump Administration are occurring in the wake of an increase in anti-refugee rhetoric and policies among US lawmakers. In November 2015, for instance, 30 governors called for a stop to resettlement of Syrian refugees until the federal government addresses security concerns (see Appendix A for a list of each Governor’s statement).⁶⁵ Twenty-four of those governors stated they would seek to actively prevent the resettlement of Syrian refugees through executive action or other means.^{66,67}

Despite the governors’ statements, it appears that

only a very limited number of Syrian refugees were diverted from one state to another. One such instance occurred in Indiana when, after Governor Mike Pence issued a statement seeking to ban the resettlement of Syrian refugees, the state Division of Family Resources sent a letter to a national voluntary agency responsible for resettlement in Indiana asking that all Syrian arrivals be “suspended or redirected to another state that is willing to accept Syrian placements until assurances that proper security measures are in place have been provided by the federal government.”⁶⁸ In response, the agency worked with a resettlement agency in Connecticut to redirect one Syrian family to New Haven. It is important to note, however, that this case was isolated and multiple Syrian families have been resettled in Indiana since, which illustrates that it is very difficult for states to implement a ban on any specific group of refugees.⁶⁹

A number of legal scholars have asserted that governors do not have the authority to restrict travel into their territories.⁷⁰ Additionally, state and federal officials have actively fought some of the governors’ attempts. The state of Texas, for example sought to deny the entry of Syrian refugees.⁷¹ A federal judge struck down the executive order within one day of it being issued because he found the state’s evidence that Syrian refugees could have infiltrated the refugee resettlement program to be largely speculative. The same judge again ruled against the state after it amended its application for preliminary injunction. The state claims that it is unlawful that the federal government did not consult with the state regarding each Syrian refugee that PRM resettled in Texas. The judge, however, argues that neither the Refugee Act nor the Administrative Procedure Act creates a cause of action for the state to compel the federal government to consult with the state regarding the resettlement of individual Syrian refugees in Texas.⁷²

Government officials in other states have also pushed back against these types of directives. For instance, the Tennessee Office of the Attorney General issued an opinion outlining why a decision to deny entry to refugees would violate the US constitution.⁷³ Specifically, the Attorney General stated that the federal government had already approved the refugees in question for resettlement in the US. Thus, such a decision would conflict with the federal government’s authority to regulate the admission of aliens to the country and would therefore violate the Supremacy Clause of the US constitution. Georgia’s Attorney General issued a statement with similar reasoning and conclusions in response to its governor’s executive order seeking to deny the resettlement of Syrian refugees in the state.⁷⁴

Likely due to the evidence that an outright ban on the admission of Syrian refugees would violate the

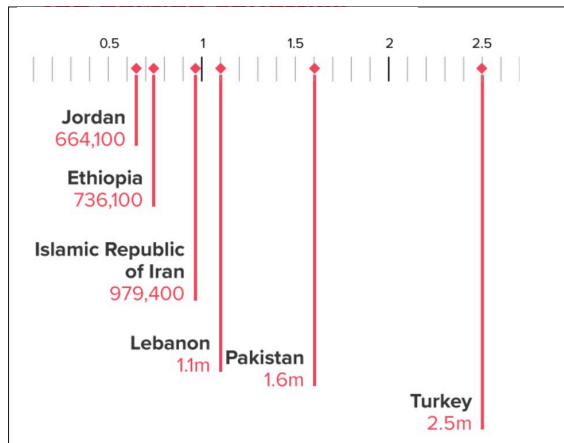
Constitution, the governor of Indiana issued an executive order that limits the type of services to Syrian refugees for which the state government would reimburse resettlement agencies.⁷⁵ Although the state initially sought to completely deny entry to Syrian refugees, the state then decided to allow Syrian refugees to enter its territory and continued to pay for federal entitlements such as cash assistance, education assistance and Medicaid. However, the state is withholding funds from resettlement agencies for social services such as interpretation, childcare and citizenship and naturalization assistance.⁷⁶

In February of 2016 a federal district court judge held a hearing on this case and ruled against the state of Indiana, basing her ruling on the assessment that there is a strong likelihood that Indiana’s policy violates the Equal Protection Clause. The judge made three key arguments in reaching this conclusion.⁷⁷ First, despite the state’s stated goal of preventing further resettlement of Syrian refugees in the state by withholding funds, voluntary agencies have continued to resettle Syrian refugees in Indiana. Thus, the state’s policy has been ineffective. Second, even if the state was actually able to deter voluntary agencies from resettling Syrian refugees, it would cause the agencies to stop the resettlement of all Syrians, including young children who pose very little security risk to the state. Third, the state’s policy punishes Syrian refugees who are already in Indiana by depriving them of social services, which is unlikely to further the State’s interest in improving public safety. Importantly, the judge states that the Court would reach the same conclusion even if it used a rational basis review of the State’s policy. This ruling will likely have important implications for state legislatures that attempt to pass legislation that would have similar aims to Indiana’s policy. It is unlikely that any policy that specifically targets refugees from one country or a group of countries will survive a constitutional challenge.

Prior to the current backlash against resettling Syrian refugees, states had already taken action to reduce refugee resettlement. In 2010 Georgia Governor Nathan Deal withheld any state funding earmarked for reimbursing resettlement agencies for English instruction, job training, and academic programs.⁷⁸ Although this directive was very similar to the Indiana Governor’s, it differed in the sense that it was targeted at all refugees resettled in the state. Likely as a result of this policy, the number of refugee arrivals in the state decreased from 3,272 to 2,635 per year between 2009 and 2011.⁷⁹ However, after pressure from resettlement agencies the governor released the federal funds in December of 2011. This previous state effort demonstrates that the statements by 30 governors in late 2015 were

FIGURE 3

Top Hosting Countries for Syrian Refugees



Source: unhcr.org/en-us/figures-at-a-glance.html

not entirely unprecedented and that governors have previously attempted to identify mechanisms for curtailing resettlement into their states.

Attempts by State and Federal Legislators to Limit Resettlement

Federal and state legislators have also attempted to curtail refugee resettlement. One example of state action occurred in 2011 in Tennessee when the state legislature passed the Refugee Absorptive Capacity Act. This legislation allowed local governments to submit a request for a one year moratorium on refugee resettlement to the Tennessee Office of Refugee Affairs documenting that the community lacks the capacity to host refugees. The state would then forward the request to the federal government and PRM would either approve or deny it.⁸⁰ State legislators have introduced bills and resolutions that would 1) prohibit their respective state governments from assisting in the resettlement of refugees from Syria and/or the Middle East, 2) require refugees to register with a government agency, 3) authorize the state to temporarily halt refugee resettlement, or 4) urge the United States Congress to take action limiting the resettlement of Syrian refugees or the resettlement of all refugees (see Appendix B for a table illustrating these policies).

Additionally, members of Congress have introduced a variety of bills at the federal level that seek to curtail resettlement through measures such as increasing the standards governing security checks of refugees, reducing resettlement from Syria and other countries in the Middle East, or reducing overall levels of resettle-

ment (see Appendix C).

These lawsuits and legislative attempts by state and federal lawmakers demonstrate that the current administration's restrictive approach to refugee resettlement is a continuation of a trend. Nearly all aspects of the two executive orders have been proposed before: stopping resettlement from Middle Eastern countries, implementing more rigorous security screening, reducing overall resettlement, and increasing states' authority to accept or deny refugees. Moreover, these attempts at restricting the program come amidst a declining US commitment to resettlement since the 1980s. These two factors combined threaten to undermine the US commitment to protecting refugees, thereby worsening current and future refugee crises.

Potential Implications of the US Restricting Refugee Resettlement

The global refugee crisis has reached an unprecedented urgency. A higher proportion of the world population is currently displaced from their homes than at any time since 1951.⁸¹ Nearly one in 20 people living in the Middle East are displaced.⁸² Displacement in Europe is similar to the levels seen following the collapse of Eastern Bloc countries in the 1990s.⁸³ The UNHCR has estimated that 1,150,000 refugees globally are in need of resettlement, an increase of 22% from 2016.⁸⁴ The agency announced that it aims to resettle 480,000 Syrian refugees by the end of 2018.⁸⁵ This announcement marks a drastic increase in total refugee resettlement, which has averaged 100,000 individuals in recent decades. However, individual countries have only pledged to resettle a total of 179,000 of these refugees.

Although a record number of refugees have fled to Europe—1.3 million in 2015⁸⁶ alone—it is countries near Syria that have taken the lead in resettling refugees⁸⁷. Current estimates are that 664,100 Syrian refugees reside in Jordan and 2.5 million live in Turkey (see Figure 3). Refugees from Syria make up approximately 20% of Lebanon's total population.

This leadership by Middle Eastern countries in refugee resettlement is not a recent development. During World War II, thousands of refugees from Eastern Europe and the Balkans fled to refugee camps in Middle Eastern countries such as Palestine, Syria, Jordan, and Egypt.⁸⁸ However, the current lack of international support for increased resettlement has made the pressure on these Middle Eastern countries worse and living conditions for many refugees are dire.

Refugees & Security

Attempts to restrict refugee resettlement are based

on the premise that refugees from the Middle East pose a significant security threat to the United States. Reality contradicts this belief. Of the 784,000 refugees that the United States has resettled since September 11, 2001, three have been arrested for planning terrorist activities.⁹⁰

A study by MI5's behavioral science unit provides further evidence that refugees do not pose a security threat. The study found little to no connection between religiosity and extremism. Instead they found that many terrorists are religious novices and that a strong religious identity actually protects against radicalization.⁹¹ Additionally, it is highly unlikely that the refugees who are fleeing war and persecution are supporters of terrorism.

One key reason for the US resettlement program's strong record on security is the rigorous screening process that every refugee undergoes before entering the United States. The process takes 18-24 months for each refugee from start to finish, during which the FBI, Department of Homeland Security, State Department, and national intelligence agencies check refugees' data against security databases. Less than one percent of applicants make it past the initial screening.⁹² Some groups of refugees, such as Syrians, undergo even more intensive security scrutiny.⁹³ Overall, this screening process has proven to be highly effective in preventing security risks.

Importantly, increasing refugee resettlement to the United States would not only relieve the strain on

refugees and the countries they reside in, but would also advance US national security interests. A group of former national security leaders and government officials recently wrote in a letter to Congress that "resettlement initiatives help advance US national security interests by supporting the stability of our allies and partners that are struggling to host large numbers of refugees."⁹⁴ One key way in which the program advances US security interests is by providing refuge to Iraqi citizens who served as interpreters for the US military. Without the possibility of escaping the threats that interpreters are certain to face if they stay in Iraq, it is highly unlikely that they would offer their support to the military.

The need for increased refugee resettlement has not shown signs of dissipating. The US has historically taken the lead in providing resettlement to highly vulnerable refugees. Without that leadership, it is unlikely that the international community will be able to meet the unprecedented challenge caused by the current crisis. Moreover, restricting resettlement would likely make Americans less safe.

How the US Can Reaffirm Its Commitment to Refugees

DESPITE THE BENEFITS of refugee resettlement, the US has steadily decreased its commitment to offering safe refuge to those fleeing violence and persecution. As this report outlined, the US played a key role in the development of the international refugee protection regime, and the US has historically resettled more refugees than all other countries combined. For example, of the 105,200 refugees who were resettled globally in 2014, the United States resettled 73,000.⁹⁵ However, that commitment is under immense pressure as a result of renewed anti-refugee rhetoric and policies.

Instead of curtailing its refugee resettlement program, the US needs to reaffirm its historical commitment to resettling and welcoming refugees regardless of their country of origin, their race, or their religion. Policy-

makers should consider changes at the federal level that increase the overall number of refugees, particularly from Syria, resettled in the US.

The US can reaffirm its position as a global leader in refugee resettlement by increasing the annual refugee resettlement ceiling to above 110,000, devoting more resources and prioritization to the Refugee Resettlement Program, and increasing access to resettlement to particularly vulnerable refugees. In doing so, the US would make a major contribution to widening the circle of human concern by rejecting negative stereotypes of refugees and welcoming them as members of our global community who are welcome and truly belong in our country.●



Appendix A

Positions of US Governors Regarding Syrian Refugee Resettlement^{96,97}

As of April 2016

State	Governor	Intended Action towards Syrian Refugees
Alabama	Robert Bentley	Deny entry
Arizona	Doug Ducey	Deny entry
Arkansas	Asa Hutchinson	Deny entry
Florida	Rick Scott	Deny entry
Georgia	Nathan Deal	Deny entry
Idaho	Butch Otter	Request action from feds
Illinois	Bruce Rauner	Deny entry
Indiana	Mike Pence	Deny entry, then deny reimbursement for services
Iowa	Terry Branstad	Request action from feds
Kansas	Sam Brownback	Deny entry
Louisiana	Bobby Jindal	Deny entry
Maine	Paul LePage	Deny entry
Maryland	Larry Hogan	Request action from feds
Massachusetts	Charlie Baker	Deny entry
Michigan	Rick Snyder	Deny entry
Mississippi	Phil Bryant	Deny entry
Missouri	Jay Nixon	Deny entry
Nebraska	Pete Ricketts	Deny entry
Nevada	Brian Sandoval	Deny entry
New Hampshire	Maggie Hassan	Deny entry
New Jersey	Chris Christie	Deny entry
New Mexico	Susana Martinez	Request action from feds
North Carolina	Pat McCrory	Deny entry
Ohio	John Kasich	Deny entry
Oklahoma	Mary Fallin	Request action from feds
South Carolina	Nikki Haley	Deny entry
Tennessee	Bill Haslam	Request action from feds
Texas	Greg Abbott	Deny entry
Wisconsin	Scott Walker	Deny entry
Wyoming	Matt Mead	Information unavailable

Appendix B

State Legislation Related to Refugee Resettlement 2009-2016^{98,99}

As of April 2016

State	Year	Bill Name	Status	Description
Utah	2009	UT H 38	Enacted	This act provides that all interest or earnings from the Refugee Services Fund shall be deposited into the fund rather than in the General Fund.
Tennessee	2011	TN H 1632	Enacted	The law allows a local government to submit a request to the Tennessee Office of Refugee Affairs documenting that the host community lacks absorptive capacity
Hawaii	2012	HI H 2578	Enacted	This law eliminates the advisory council for community services, which formerly assisted the executive director in formulating goals for programs and services benefiting the disadvantaged, refugees, and immigrants.
Utah	2012	UT H 441	Enacted	This law allows a charter school whose mission is to enhance learning opportunities for refugees, children of refugee families or English language learners to give an enrollment preference to these individuals.
Hawaii	2013	HI HR 178	Adopted	This resolution urges the United States Department of Homeland Security to examine and re-evaluate its policies regarding refugee and asylee protections
Utah	2013	UT H 249	Enacted	This law shifts oversight for the refugee services fund from the Department of Housing and Community Development to the Department of Workforce Services.
California	2015	CA SR 52	Adopted	This resolution from the California Senate urges the President to dramatically increase the number of Syrian refugees allowed into the United States
Michigan	2015	MI HR 9	Adopted	This resolution urges the president of the United States to allow an additional 25,000 refugee visas for displaced Iraqis, with preference for placement in state.
South Carolina	2015	SC H 3961	Adopted	This memorial requests the US Department of Health and Human Services to provide information regarding the resettlement of refugees in Spartanburg, S.C.
Texas	2015	TX S 1928	Enacted	This law requires the executive commissioner to adopt rules ensuring that local government and community input is included in any federal refugee program's placement report.
Tennessee	2015	TN SB 364 (HB 1195)	Refer to Senate Judiciary Committee	Requires the department to negotiate with the federal office of refugee resettlement to reacquire state administration of the refugee resettlement program

Michigan	2015	MI SCR 22	Referred to committee on government operations	A concurrent resolution to urge Governor Snyder to maintain his current position on the relocation of Syrian refugees into the state of Michigan
Pennsylvania	2015	PA SR 248	Adopted	A Resolution urging the Governor of the Commonwealth of Pennsylvania, the President of the United States and the Secretary of the United States Department of Homeland Security to discontinue the resettlement of Syrian refugees in this Commonwealth
Wyoming	2016	WY HB 47	Senate did not consider for introduction	AN ACT relating to refugee resettlement; requiring legislative approval of a refugee resettlement plan; providing for assignment to a committee; providing for public hearings; and providing for an effective date.
South Dakota	2016	SD HB 1158	State Affairs Tabled	Provide for state coordination in the resettlement of refugees
Michigan	2016	MI HR 198	Referred to committee on government operations	A resolution to declare opposition to the relocation of Syrian and other unvettable refugees from failed states via the United States Refugee Resettlement Program into Michigan and the rejection of state funds to assist in the program.
Nebraska	2016	NE LB 966	Referred to Judiciary Committee	A bill for an act relating to refugees; to adopt the refugee resettlement agency indemnification act; to provide a cause of action; to provide a civil penalty; and to declare an emergency
Virginia	2016	VA HJR 66	House: Left in Rules	Study; JLARC to study the cost of implementation of the Refugee Resettlement Program to the Commonwealth and localities; report.
South Carolina	2016	SC SJR 928	Senate Referred to Committee on General	A joint resolution to prohibit state agencies from taking action in relation to refugees placed in this state as of the effective date of this act until new security measures are implemented by the federal government
South Carolina	2016	SC SB 997	Senate Read third time and sent to House	A bill to provide that refugees placed in this state by the federal government must register with the department of social services.
Kansas	2016	KS HB 2612	Refer to Committee on Federal and State Affairs passed	Refugee resettlement; refugee absorptive capacity act.
Wisconsin	2016	WI AB 506	Referred to Committee on Children and Families	This bill requires the Department of Children and Families (DCF) to apply for federal grant funding to support the resettlement of Syrian refugees in this state and, if received, to contract with refugee service organizations to provide certain services to those refugees.
Missouri	2016	MO HB 2654	Read Second Time (H)	Requires refugees placed in the state under the federal Refugee Resettlement Program to register with the Department of Social Services.
Michigan	2016	MI HB 5528	Referred to committee on oversight and ethics	Human services; other; impact study on refugee resettlement program; provide for, and implement certain reporting requirements.

Kansas	2016	KS HB 2661	House Referred to Committee on Federal and State Affairs	Prohibiting the relocation of refugees from certain countries to the state of Kansas.
Virginia	2016	VA HB 1349	House: Incorporated by General Laws by voice vote	Resettlement of refugees; review process.
New York	2016	NY AB 9630 (SB 6253)	Referred to governmental operations	Requires residents of the state who are foreign refugees, to register with the office of temporary and disability assistance.
South Carolina	2016	SC HJR 4488	Referred to Committee on Judiciary	Resettlement of refugees. A joint resolution to provide that no state agency, department, entity, or instrumentality shall assist with or participate in the planning for or the resettlement of refugees in South Carolina pursuant to a refugee resettlement plan.
Kansas	2016	KS HB 2612	Rerefer to Committee on Federal and State Affairs passed	Refugee resettlement; refugee absorptive capacity act.
Mississippi	2016	MS SB 2331	Died In Committee	An act to create the refugee absorptive capacity act; to enact definitions; to enact requirements for resettlement of refugees and data generation concerning the success of resettlement efforts; and for related purposes.
South Carolina	2016	SC HB 4396	House Referred to Committee on Judiciary	A bill to create the "refugee absorptive capacity act", to provide definitions, to provide the state office for refugees under the department of social services with certain requirements, and to allow for a moratorium on new refugee settlement activities in certain instances.
Wyoming	2016	WY HB 47	Did Not Consider for Introduction	Refugee resettlement plan accountability. AN ACT relating to refugee resettlement; requiring legislative approval of a refugee resettlement plan; providing for assignment to a committee; providing for public hearings; and providing for an effective date.
Tennessee	2016	TN SB 1614 (HB 2150)	Refer to Senate State & Local Government Committee	Enacts the "Tennessee Refugee Resettlement Oversight Act," which requires the department to enter into negotiations with the federal government to reacquire state administration of the refugee resettlement program.
Tennessee	2016	TN HB 725 (SB 776)	Assigned to s/c State Government Subcommittee	Requires department to enter into negotiations with federal government to reacquire state administration of the refugee resettlement program.
Washington	2016	WA SR 8710	Adopted	Reaffirms the senate's commitment to refugees.
Missouri	2016	MO HCR 117	Read Second Time (H)	Urges Congress pass legislation that prohibits the administration from allowing refugees into the United States.
Tennessee	2016	TN HB 1713 (SB 1733)	Assigned to s/c State Government Subcommittee	During the time in which a nonstate entity administers the state's refugee resettlement program, prohibits state funds being expended in support of the program or other refugee resettlement activities in the state.

South Dakota	2016	SD SB 119	Deferred to 41st legislative day	Requires legislative authority for refugee actions under South Dakota law.
South Carolina	2016	SC HB 4477	House Referred to Committee on Judiciary	A bill to prohibit a public official from utilizing any asset to assist in the relocation of Middle Eastern refugees.
Tennessee	2016	TN SB 1929 (HB 2415)	Refer to Senate State and Local Government Committee	Requires the Tennessee office for refugees to notify the governor and the commissioner of safety of certain information concerning any refugee selected for resettlement in this state who has lived within a certain period of time in a country designated by the US Secretary of State as a state sponsor of terrorism.
South Carolina	2016	SC HB 4408	House Referred to Committee on Judiciary	Use of state funds for the US. refugee resettlement program. A bill to amend the code of laws of South Carolina, 1976, by adding section 11-9-150 so as to provide that the state may not use funds to assist the united states refugee resettlement program.
Missouri	2016	MO HCR 97	Read Second Time (H)	Specifies that state funding shall not support Syrian refugees and Missouri shall not allow Syrian refugees to settle in the state.
Virginia	2016	VA HB 494	House: Left in Appropriations	Provides that no agency of the Commonwealth, political subdivision of the Commonwealth, officer or employee of either acting in his official capacity, or member of the Virginia National Guard or Virginia Defense Force, when such member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty, shall knowingly aid, participate with, or otherwise provide any assistance to (i) any agency, department, or other instrumentality of the federal government, or any employee or officer thereof, with the resettlement in the Commonwealth of any refugee from Iraq or Syria or (ii) any such refugee who has been resettled in the Commonwealth on or after January 1, 2016.
Missouri	2016	MO HB 2653	Read Second Time	Repeals a provision authorizing the Department of Social Services to offer grants to programs engaged in the resettling of refugees and legal immigrants.
Ohio	2016	OH HCR 31	Senate Refer to Committee	To urge the President of the United States to halt the settlement of Syrian refugees in Ohio and the United States.

Appendix C

Federal Legislation Related to Refugee Resettlement 2015-2016^{100,101}

As of April 2016

Intro	Bill Name	Status	Description
6/17/15	H.R. 2798	Referred to Committee	Strengthens the Refugee Resettlement Act, modifies provisions of law relating to refugee resettlement, and for other purposes.
6/18/15	S. 1615	Referred to Committee	Domestic Refugee Resettlement Reform and Modernization Act of 2015. A bill to reform and modernize domestic refugee resettlement programs, and for other purposes.
6/18/15	H.R. 2839	Referred to Committee	To reform and modernize domestic refugee resettlement programs, and for other purposes.
7/29/15	H.R. 3314	Referred to Committee	Resettlement Accountability National Security Act of 2015. To suspend the admission into the United States of refugees in order to examine the costs of providing benefits to such individuals, and for other purposes.
9/18/15	H.R. 3573	Referred to Committee	Refugee Resettlement Oversight and Security Act of 2015. To amend the Immigration and Nationality Act to require the enactment into law of a joint resolution approving the number of refugees who may be admitted in any fiscal year, and for other purposes.
9/24/15	S.Res. 268	Referred to Committee	A resolution expressing the sense of the Senate regarding the Syrian refugee crisis.
9/24/15	H.Res. 435	Referred to Committee	Recognizing the persecution of religious and ethnic minorities, especially Christians and Yazidis, by the Islamic State of Iraq and the Levant, also known as Daesh, and calling for the immediate prioritization of accepting refugees from such communities.
10/6/15	S. 2145	Referred to Committee	Middle East Refugee Emergency Supplemental Appropriations Act, 2016. A bill to make supplemental appropriations for fiscal year 2016
11/5/15	H.R. 3942	Referred to Committee	Save Christians from Genocide Act. To recognize that Christians and Yazidis in Iraq, Syria, Pakistan, Iran, Egypt, and Libya are targets of genocide, and to provide for the expedited processing of immigrant and refugee visas for such individuals, and for other purposes.
11/16/15	H.R. 3999	Referred to Committee	American SAFE Act of 2015. To require that the Secretary of Homeland Security certify that refugees admitted to the United States from Iraq or Syria are not security threats to the United States prior to admission.
11/17/15	H.R. 4033	Referred to Committee	Refugee Relocation Security Act. To temporarily suspend the admission of refugees from Syria and Iraq into the United States and to give States the authority to reject admission of refugees into its territory or tribal land.
11/17/15	S. 2284	Referred to Committee	Syrian Refugee Verification and Safety Act. A bill to suspend the admission and resettlement of aliens seeking refugee status because of the conflict in Syria until adequate protocols are established to protect the national security of the United States and for other purposes.

11/17/15	H.R. 4032	Referred to Committee	States' Right of Refugee Refusal Act of 2015. To amend the Immigration and Nationality Act to provide for a limitation on the resettlement of refugees.
11/17/15	H.R. 4031	Referred to Committee	Defund the Syrian Refugee Resettlement Program Act of 2015. To prohibit obligation of Federal funds for admission of refugees from Syria, and for other purposes
11/17/15	H.R. 4048	Referred to Committee	Syrian Refugee Verification and Safety Act. To suspend the admission and resettlement of aliens seeking refugee status because of the conflict in Syria until adequate protocols are established to protect the national security of the United States and for other purposes.
11/17/15	H.R. 4030	Referred to Committee	To amend the Immigration and Nationality Act to provide that refugees may not be resettled in any State where the governor of that State has taken any action formally disapproving of the resettlement of refugees in that State, and for other purposes.
11/17/15	H.R. 4044	Referred to Committee	To prohibit obligation of Federal funds for admission of refugees from certain countries.
11/17/15	H.R. 4025	Referred to Committee	To prohibit obligation of Federal funds for admission of refugees from Syria, and for other purposes.
11/17/15	H.R.4038	Passed House	American Security Against Foreign Enemies Act of 2015. To require that supplemental certifications and background investigations be completed prior to the admission of certain aliens as refugees, and for other purposes.
11/18/15	S. 2302	Referred to Committee	Terrorist Refugee Infiltration Prevention Act of 2015. A bill to temporarily restrict the admission to the United States of refugees from countries containing terrorist-controlled territory.
11/18/15	H.Res. 533	Referred to Committee	Expressing disapproval of the President's plan to accept 10,000 Syrian refugees.
11/18/15	H.Con.Res. 94	Referred to Committee	Expressing the sense of the Congress regarding the treatment of State Governors who have made a determination with respect to Syrian refugees.
11/18/15	H.R. 4074	Referred to Committee	To require the Secretary of Homeland Security to collect data regarding foreign travel, or repatriation, to the country of nationality or last habitual residence by an alien admitted to the United States as a refugee, and for other purposes.
11/18/15	H.Res. 531	Agreed To (Simple Resolution)	Providing for consideration of the bill (H.R. 4038) to require that supplemental certifications and background investigations be completed prior to the admission of certain aliens as refugees, and for other purposes.
11/18/15	S. 2300	Referred to Committee	American SAFE Act of 2015. A bill to require that supplemental certifications and background investigations be completed prior to the admission of certain aliens as refugees, and for other purposes.
11/19/15	H.R. 4086	Referred to Committee	Security Verification for Refugees Act. To require that supplemental certifications and background investigations be completed prior to the admission of certain aliens as refugees, and for other purposes.
11/19/15	H.R. 4079	Referred to Committee	Secure Refugee Process Act of 2015. To require that supplemental certifications and identity verifications be completed prior to the admission of refugees, and for other purposes.
12/1/15	H.R. 4143	Referred to Committee	Terrorist Refugee Infiltration Prevention Act of 2015. To temporarily restrict the admission to the United States of refugees from countries containing terrorist-controlled territory.

12/8/15	S. 2363	Referred to Committee	State Refugee Security Act of 2015. A bill to amend the Immigration and Nationality Act to permit the Governor of a State to reject the resettlement of a refugee in that State unless there is adequate assurance that the alien does not present a security risk and for other purposes.
12/9/15	H.R. 4197	Referred to Committee	State Refugee Security Act of 2015. To amend the Immigration and Nationality Act to permit the Governor of a State to reject the resettlement of a refugee in that State unless there is adequate assurance that the alien does not present a security risk and for other purposes.
12/10/15	H.R. 4218	Referred to Committee	To suspend the admission to the United States of refugees, and for other purposes. This bill prohibits a federal agency or instrumentality from using federal funds, fees, or resources to admit an alien into the United States as a refugee or to provide refugee resettlement assistance until each of the following occur:
12/11/15	H.R. 4244	Referred to Committee	Refugee Resettlement Fund Act of 2015. To prohibit the admission of certain aliens as refugees until the costs of admission and resettlement of such refugees have been addressed, and for other purposes.
12/16/15	H.R. 4267:	Referred to Committee	Resettlement REFORM (Re-Evaluation of Financing Our Refugee Mission) Act. To provide that no penalty may be imposed on a State for refusing to expend refugee resettlement assistance funds on certain refugees, and for other purposes.
12/18/15	H.R. 4291	Referred to Committee	SAFER Act of 2015. To provide for additional security requirements for Syrian and Iraqi refugees, and for other purposes.
12/18/15	S. 2435	Referred to Committee	Defend America Act of 2015. A bill to ensure that each covered alien receives a thorough background investigation before such alien is admitted to the United States as a refugee, and for other purposes.
3/14/16	H.R. 4731	Reported by Committee	Refugee Program Integrity Restoration Act of 2016. To provide for an annual adjustment of the number of admissible refugees, and for other purposes

Endnotes

- 1 Connor, P and Krogstad, J (2016). "Key facts about the world's refugees." Pew Research Center. Accessed 3/15/17. <http://www.pewresearch.org/fact-tank/2016/10/05/key-facts-about-the-worlds-refugees/>
- 2 United Nations High Commissioner for Refugees (2016). "Figures at a Glance." Accessed 4/27/17. <http://www.unhcr.org/en-us/figures-at-a-glance.html>
- 3 Loescher, G. (1993). *Beyond charity: International cooperation and the global refugee crisis*. Oxford University Press.
- 4 *ibid.*
- 5 *ibid.*
- 6 *ibid.*
- 7 *ibid.*
- 8 *ibid.*
- 9 Feller, E. (2001). *The evolution of the international refugee protection regime*. Wash. UJL & Pol'y, 5, 129.
- 10 United Nations High Commissioner for Refugees. "The 1951 Convention and its 1967 Protocol: Relating to the Status of Refugees." September 2011. Web. 26 Mar. 2015 <http://www.unhcr.org/4ec262df9.html>
- 11 United Nations High Commissioner for Refugees (1977). "Note on Non-Refoulement" Accessed 4/2/17. <http://www.unhcr.org/en-us/excom/scip/3ae68ccd10/note-non-refoulement-submitted-high-commissioner.html>
- 12 United Nations High Commissioner for Refugees. "States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol." Web. 26 Mar. 2015 <http://www.unhcr.org/3b73b0d63.html>
- 13 United Nations High Commissioner for Refugees (2012). "Frequently Asked Questions about Resettlement." Accessed 3/29/17. <http://www.unhcr.org/4ac0873d6.pdf>
- 14 The distinction in international law between asylum seeker and refugee is important. Refugees have been granted refugee status by UNHCR because they had a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion. Asylum seekers, on the other hand, are individuals seeking refugee status.
- 15 Argentina, Australia, Brazil, Bulgaria (implementation in 2012 onwards), Canada, Chile, the Czech Republic, Denmark, Finland, France, Germany, Hungary (implementation in 2012 onwards), Iceland, Ireland, Japan (pilot programme), the Netherlands, New Zealand, Norway, Paraguay, Portugal, Romania, Spain, Sweden, the United Kingdom, Uruguay, the United States of America
- 16 United Nations High Commissioner for Refugees. "States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol." Web. 26 Mar. 2015 <http://www.unhcr.org/3b73b0d63.html>
- 17 United Nations High Commissioner for Refugees (2000). "The State of the World's Refugees." Chapter 4. Accessed 3/29/17. <http://www.unhcr.org/3ebf9bad0.html>
- 18 *ibid.*
- 19 *ibid.*
- 20 Amnesty International (2015). "Global Refugee Crisis – by the numbers." Accessed 3/29/17. <https://www.amnesty.org/en/latest/news/2015/10/global-refugee-crisis-by-the-numbers/>
- 21 Singer, Audrey and Wilson, Jill H. "From 'There' to 'Here': Refugee Resettlement in Metropolitan America." The Brookings Institute. 2006. Web. 10 Feb. 2016 http://www.brookings.edu/~media/research/files/reports/2006/9/demographics%20singer/20060925_singer.pdf
- 22 American-Israeli Cooperative Enterprise. "US Policy During WWII: The Wagner-Rogers Bill." Accessed 3/29/17. <http://www.jewishvirtuallibrary.org/wagner-rogers-bill>
- 23 <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005267>
- 24 Feibel, G (2017). "How'd We Get Here? A History of Refugee Resettlement in the US" KQED News. Accessed 3/21/17. <https://www2.kqed.org/news/2017/02/04/howd-we-get-here-a-history-of-refugee-resettlement-in-the-u-s/>
- 25 Singer, Audrey and Wilson, Jill H. "From 'There' to 'Here': Refugee Resettlement in Metropolitan America." The Brookings Institute. 2006. Web. 10 Feb. 2016 https://www.brookings.edu/wp-content/uploads/2016/06/20060925_singer.pdf
- 26 *ibid.*
- 27 *ibid.*
- 28 *ibid.*
- 29 *ibid.*
- 30 Department of State Bureau of Population, Refugees, and Migration Office of Admissions, "Summary of Refugee Admissions" <http://www.wrapsnet.org/admissions-and-arrivals/>
- 31 Feibel, G (2017). "How'd We Get Here? A History of Refugee Resettlement in the US" KQED News. Accessed 3/21/17. <https://www2.kqed.org/news/2017/02/04/howd-we-get-here-a-history-of-refugee-resettlement-in-the-u-s/>
- 32 Department of State Bureau of Population, Refugees, and Migration Office of Admissions, "Summary of Refugee Admissions" <http://www.wrapsnet.org/admissions-and-arrivals/>
– In addition to historical arrival data, the Department of State Bureau of Population, Refugees, and Migration Office of Admissions reports data on historical arrivals broken down by region of origin, language spoken, country of first asylum, and nationality.
- 33 Mayorga, Jennifer, and Ann Morse. "THE US REFUGEE RESETTLEMENT PROGRAM: A PRIMER FOR POLICYMAKERS." National Conference of State Legislatures, 18 Nov. 2015. Web. 25 Jan. 2016. <<http://www.ncsl.org/research/immigration/the-u-s-refugee-resettlement-program-a-primer-for-policymakers.aspx>>.
- 34 Department of State Bureau of Population, Refugees, and Migration Office of Admissions, "Summary of Refugee Admissions" <http://www.wrapsnet.org/admissions-and-arrivals/>
- 35 Martin, David A. "A New Era for US Refugee Resettlement." University of Virginia Law School. 2005. Web. 10 Feb. 2016.
- 36 Feibel, G (2017). "How'd We Get Here? A History of Refugee Resettlement in the US" KQED News. Accessed 3/21/17. <https://www2.kqed.org/news/2017/02/04/howd-we-get-here-a-history-of-refugee-resettlement-in-the-u-s/>
- 37 Bruno, Andorra. *Refugee Admissions and Resettlement Policy*. Rep. no. 7-5700. N.p.: Congressional Research Service, n.d. 18 Feb. 2015. Web. 25 Jan. 2016.
- 38 "The Reception and Placement Program." US Department of State, n.d. Web. 25 Jan. 2016. <<http://www.state.gov/j/prm/ra/receptionplacement/index.htm>>.
- 39 Pierce, S and Meissner, D (2017). "Trump Executive Order on Refugees and Travel Ban: A Brief Review." Migration Policy Institute. Accessed 3/21/17. <http://www.migrationpolicy.org/research/trump-executive-order-refugees-and-travel-ban-brief-review>
- 40 "The Reception and Placement Program." US Department of State, n.d. Web. 25 Jan. 2016. <<http://www.state.gov/j/prm/ra/receptionplacement/index.htm>>.
- 41 Georgia Department of Law. Attorney General of Georgia. Official Opinion. 30 Dec. 2015. Web. 25 Jan. 2016. <<http://law.ga.gov/opinion/2015-1>>.
- 42 Mayorga, Jennifer, and Ann Morse. "THE US REFUGEE RESETTLEMENT PROGRAM: A PRIMER FOR POLICYMAKERS." National Conference of State Legislatures, 18 Nov. 2015. Web. 25 Jan. 2016. <<http://www.ncsl.org/research/immigration/the-u-s-refugee-resettlement-program-a-primer-for-policymakers.aspx>>.
- 43 *ibid.* 45 C.F.R § 400
- 44 Mayorga, Jennifer, and Ann Morse. "THE US REFUGEE RESETTLEMENT PROGRAM: A PRIMER FOR POLICYMAKERS." National Conference of State Legislatures, 18 Nov. 2015. Web. 25 Jan. 2016. <<http://www.ncsl.org/research/immigration/the-u-s-refugee-resettlement-program-a-primer-for-policymakers.aspx>>.
- 45 *ibid.*
- 46 Rep. no. GAO-11-369. United States Government Accountability Office, Mar. 2011. Web. 25 Jan. 2016. <http://www.gao.gov/assets/320/317305.html>
- 47 *ibid.*
- 48 Mayorga, Jennifer, and Ann Morse. "THE US REFUGEE RESETTLEMENT PROGRAM: A PRIMER FOR POLICYMAKERS." National Conference of State Legislatures, 18 Nov. 2015. Web. 25 Jan. 2016. <<http://www.ncsl.org/research/immigration/the-u-s-refugee-resettlement-program-a-primer-for-policymakers.aspx>>.
- 49 *ibid.* 45 C.F.R § 400
- 50 *ibid.*
- 51 *ibid.*
- 52 South Dakota. Legislature. House of Representatives. An Act to provide for state coordination in the resettlement of refugees. 2016 Sess. HB 1158 South Dakota House of Representatives. Web. 10 Feb. 2016.
- 53 Zucker, Norman L. "Refugee Resettlement in the United States: Policy and Problems." *The Annals of the American Academy of Political and Social Science* 467 (1983): 172–186. Web...
- 54 GAO 1990 citation from - Unfulfilled Promises,

- Future Possibilities: The Refugee Resettlement System in the United States
- 55 Brown, Anastasia, and Todd Scribner. "Unfulfilled promises, future possibilities: the refugee resettlement system in the United States." *Journal on Migration and Human Security* 2.2 (2014): 101.
- 56 Lutheran Immigration and Refugee Service. "The Real Cost of Welcome." 2008. Web. 10 Feb. 2016. <http://lirs.org/wp-content/uploads/2012/05/RPTREALCOSTWELCOME.pdf>
- 57 Kerwin, Donald. "The faltering us refugee protection system: Legal and policy responses to refugees, asylum-seekers, and others in need of protection." *Refugee Survey Quarterly* (2012): hdr019.
- 58 *ibid*
- 59 Wittes, B (2017). "Malevolence Tempered by Incompetence: Trump's Horrifying Executive Order on Refugees and Visas." *Lawfare*. Accessed 3/21/17. <https://lawfareblog.com/malevolence-tempered-incompetence-trumps-horrifying-executive-order-refugees-and-visas>
- 60 Wilson, R (2017). "50-plus lawsuits filed against Trump refugee order." *The Hill*. Accessed 3/21/17. <http://thehill.com/homenews/state-watch/317822-50-plus-lawsuits-filed-against-trump-refugee-order>
- 61 Pierce, S and Meissner, D (2017). "Revised Trump Executive Order and Guidance on Refugee Resettlement and Travel Ban." *Migration Policy Institute*. Accessed 3/21/17. <http://www.migrationpolicy.org/research/revised-trump-executive-order-and-guidance-refugee-resettlement-and-travel-ban>
- 62 *ibid*.
- 63 BBC News (2017). "Trump travel ban: Second US judge block new executive order." Accessed 3/21/17. <http://www.bbc.com/news/world-us-canada-39287656>
- 64 Helsel, P (2017). "Hawaii Judge Extends Order Blocking Trump 'Travel Ban'." *NBC News*. Accessed 3/30/17. <http://www.nbcnews.com/news/us-news/hawaii-judge-extends-order-blocking-trump-travel-ban-n740396>
- 65 Seipel, Arnie. "30 Governors Call For Halt To US Resettlement Of Syrian Refugees." *NPR*, 17 Nov. 2015. Web. 25 Jan. 2016. <<http://www.npr.org/2015/11/17/456336432/more-governors-oppose-u-s-resettlement-of-syrian-refugees>>.
- 66 Governors who actively sought to prevent the resettlement of Syrian refugees: Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Louisiana, Mississippi, Maine, Massachusetts, Nebraska, New Hampshire, North Carolina, Ohio, Oklahoma, Tennessee, Texas and Wisconsin
- 67 Mosendz, Polly. "Map: Every State Accepting and Refusing Syrian Refugees." *Newsweek*, 16 Nov. 2015. Web. 25 Jan. 2016. <<http://www.newsweek.com/where-every-state-stands-accepting-or-refusing-syrian-refugees-395050>>.
- 68 Groppe, Maureen and Mack, Justin. "Connecticut governor blasts Pence over Refugees." *Indystar*, 19 Nov. 2015. Web. 10 Feb. 2016. < <http://www.indystar.com/story/news/politics/2015/11/18/indy-bound-syrian-refugee-family-redirected/75981622/?from=global&sessionKey=&autologin=>>.
- 69 *ibid*
- 70 Schoenherr, Neil. "WashU Expert: American Governors Have Little Power to Block Syrian Refugees." *Washington University in St. Louis*, 17 Nov. 2015. Web. 28 Jan. 2016. <<http://news.wustl.edu/news/Pages/Legomsky-Syrian-immigrants.aspx>>
- 71 Texas Health and Human Services Commission v. United States of America, Et Al. United States District Court, Northern District of Texas, Dallas Division. 9 Dec. 2015. N.p., n.d. Web. 25 Jan. 2016.
- 72 Texas Health and Human Services Commission v. United States of America, Et Al. United States District Court, Northern District of Texas, Dallas Division. 8 February, 2016. N.p., n.d. Web 15 February, 2016
- 73 United States. State of Tennessee. Office of the Attorney General. Authority of the State of Tennessee to Refuse Resettlement of Refugees. N.p., 30 Nov. 2015. Web. 25 Jan. 2016. <<http://attorneygeneral.tn.gov/op/2015/op15-77.pdf>>.
- 74 Georgia Department of Law. Attorney General of Georgia. Official Opinion. N.p.: n.p., n.d. 30 Dec. 2015. Web. 25 Jan. 2016. <<http://law.ga.gov/opinion/2015-1>>.
- 75 Complaint, Exodus Refugee Immigration, Inc. v. Mike Pence. United States District Court, Southern District of Indiana, Indianapolis Division. 23 Nov. 2015. N.p., n.d. Web. 25 Jan. 2015. <http://www.aclu-in.org/images/news-Releases/complaint-FILED_Exodus.pdf>.
- 76 *ibid*
- 77 Order, Exodus Refugee Immigration, Inc. v. Mike Pence. United States District Court, Southern District of Indiana, Indianapolis Division. 29 Feb. 2016. N.p., n.d.
- 78 Nezer, Melanie. "Resettlement at risk: Meeting emerging challenges to refugee resettlement in local communities." *New York: HIAS* (2013).
- 79 *ibid*
- 80 Refugee Resettlement: Greater Consultation with Community Stakeholders Could Strengthen Program. Rep. no. GAO-12-729. United States Government Accountability Office, July 2012. Web. 12 Feb. 2012 < <http://www.gao.gov/assets/600/592975.pdf>>
- 81 Connor, J P and Krogstad, J (2016). "Key facts about the world's refugees." *Pew Research Center*. Accessed 3/15/17. <http://www.pewresearch.org/fact-tank/2016/10/05/key-facts-about-the-worlds-refugees/>
- 82 *ibid*.
- 83 *ibid*.
- 84 United Nations High Commissioner for Refugees (2015). "UNHCR Projected Global Resettlement Needs" Accessed 3/29/17. <http://www.unhcr.org/558019729.pdf>
- 85 Foster, Peter. "UN chief: world must resettle 480,000 Syrian refugees." *The Telegraph*. 30 Mar. 2016. Web. 26 Mar. 2016. <http://www.telegraph.co.uk/news/2016/03/30/un-chief-world-must-resettle-480000-syrian-refugees/>
- 86 Connor, P and Krogstad, J (2016). "Key facts about the world's refugees." *Pew Research Center*. Accessed 3/15/17. <http://www.pewresearch.org/fact-tank/2016/10/05/key-facts-about-the-worlds-refugees/>
- 87 Mercy Corps (2017). "Quick Facts: What you need to know about the Syria crisis." Accessed 3/21/17. <https://www.mercycorps.org/articles/iraq-jordan-lebanon-syria-turkey/quick-facts-what-you-need-know-about-syria-crisis>
- 88 Taparata, E and Keng Kuek Ser, K (2016). "During WWII, European refugees fled to Syria. Here's what the camps were like." *Public Radio International*. <https://www.pri.org/stories/2016-04-26/what-it-s-inside-refugee-camp-europeans-who-fled-syria-egypt-and-palestine-during>
- 89 United Nations High Commissioner for Refugees (2016). "Figures at a Glance." Accessed 4/27/17. <http://www.unhcr.org/en-us/figures-at-a-glance.html>
- 90 Newland, K (2015). "The US Record Shows Refugees Are Not a Threat." *Migration Policy Institute*. Accessed 2/15/17. <http://www.migrationpolicy.org/news/us-record-shows-refugees-are-not-threat>
- 91 Travis, A (2008). "MI5 Report Challenges Views on Terrorism in Britain." *The Guardian*. Accessed 2/15/17. <https://www.theguardian.com/uk/2008/aug/20/uksecurity.terrorism1>
- 92 Pierce, S and Meissner, D (2017). "Trump Executive Order on Refugees and Travel Ban: A Brief Review." *Migration Policy Institute*. Accessed 3/21/17. <http://www.migrationpolicy.org/research/trump-executive-order-refugees-and-travel-ban-brief-review>
- 93 *ibid*.
- 94 Human Rights First (2017). "National Security Leaders Oppose Halting Refugee Resettlement." Accessed 2/15/17. <http://www.humanrightsfirst.org/resource/national-security-leaders-oppose-halting-refugee-resettlement>
- 95 Amnesty International (2015). "Global Refugee Crisis – by the numbers." Accessed 3/29/17. <https://www.amnesty.org/en/latest/news/2015/10/global-refugee-crisis-by-the-numbers/>
- 96 Associated Press, "Wary governors halt, question plan to accept Syrian refugees." 16 Nov. 2015. Web. 26 Mar. 2016 http://bigstory.ap.org/article/65889d75cb5a4cc1b181daf7605db8bd/some-governors-halt-question-plan-accept-syrian-refugees?utm_source=viz&utm_medium=viz.referral&utm_campaign=viz.ref.5430&utm_viz_id=fHnzum4slfP&utm_pubreferrer=time.com%2F4116705%2Fsyrian-refugees-governors-us-president-obama-maps%2F
- 97 Frostenson, Sarah and Lind, Dara, "Here's a map of every state refusing to accept Syrian refugees." *Vox*. 18 Nov. 2015. Web. 26 Mar. 2016 <http://www.vox.com/2015/11/16/9746456/map-syrian-refugees-governors>
- 98 Web. 26 Mar. 2016. <http://www.statescape.com/>
- 99 National Conference on State Legislatures, "Immigration Enactments Database." Web. 26 Mar. 2016. <http://www.ncsl.org/research/immigration/immigration-laws-database.aspx>
- 100 Web. 26 Mar. 2016. <https://www.congress.gov/>
- 101 Web. 26 Mar. 2016. <https://www.govtrack.us/>

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